

REMARKS

The Claims Are Directed to Patentable Subject Matter.

New claims 120-128 each include a limitation of electronic communication. Thus, the Applicant respectfully submits that the claims are directed to statutory subject matter.

The Newly-Presented Claims Are Patentable Over the Cited References.

New claim 120 recites a reservation system for private aircraft, in which an individual passenger reservation bid is accepted and the "flight availability" of the aircraft is reserved, if the reservation service "has matched a number of reservation bids with said flight availability such that [a] minimum total payment requirement is met." None of the cited references teach or suggest this feature. In particular, neither the BusinessWire article nor U.S. Patent No. 6,085,169 to Walker, et al. ("Walker") teach or suggest any method of obtaining individual passenger accommodations for privately owned aircraft, much less a method that reserves the aircraft for a flight only when a "minimum total payment requirement is met." Indeed, nothing in BusinessWire's discussion indicates that a traveler may reserve anything other than an entire charter aircraft at once. For example, BusinessWire states explicitly that "Skyjet.com is the first nationwide service offering *air charter reservations* that allow business travelers to price and *book charter jets* online and in real-time." (BusinessWire at ¶ 6 (emphasis added).) Thus, BusinessWire only discusses booking entire charter flights. It fails to teach or suggest booking individual passenger accommodations on charter aircraft, as taught by the present invention and as required by independent claim 120.

Walker provides nothing to teach or suggest that its conditional purchase offer (CPO) management system may be applied to individual passenger bids for accommodations on private aircraft. Instead, Walker is directed to matching customer-defined conditions with specific rules that are generated by established revenue management systems of public airlines. (See, e.g., col. 5:43-52.) Neither BusinessWire nor Walker teach or suggest any means by which a private aircraft owner may book passenger accommodations. Thus, even if the two references were combined, the result would fail to reach the present claimed invention.

U.S. Patent No. 5,778,381 to Sandifer ("Sandifer") fails to teach or suggest the features missing from BusinessWire and Walker. Instead, Sandifer describes a computer system for providing electronic access to technical information used to maintain and repair aircraft. Sandifer fails entirely to describe a method of scheduling individual passenger travel on a private

aircraft. Thus, Sandifer adds nothing to BusinessWire and Walker which might enable the entire combination to reach the present invention.

Applicant respectfully submits that claim 120 patentably defines the invention over BusinessWire in view of Walker and/or Sandifer. For the same reasons as those given above, the Applicant also respectfully submits that new independent claims 122 and 124, as well as dependent claims 121, 123, and 125-128 patentably define the invention and should be allowed.

Conclusion

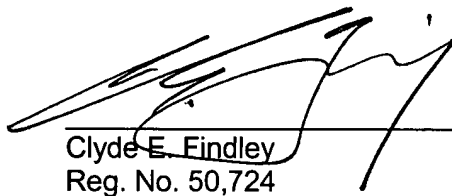
In view of the above amendments and remarks, the Applicant respectfully submits that the present application is now in condition for allowance. A Notice to that effect is earnestly solicited. The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any aspect of the application.

Respectfully submitted,

Date:

Aug. 15, 2003

KENYON & KENYON
1500 K Street, NW
Washington, DC 20005
Phone: (202) 220-4200
Facsimile: (202) 220-4201


Clyde E. Findley
Reg. No. 50,724

458981_1.DOC